



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 15, 1993

Ms. Elaine Hengen Piper
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR93-319

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19873.

The City of El Paso (the "city") has received a request for all incident reports from April 1992 to April 1993 that occurred at two specified addresses. You have submitted the requested information to us for review and claim that it is excepted from required public disclosure by sections 3(a)(1) and 3(a)(8) of the Open Records Act.

Section 3(a)(8) of the act excepts from required public disclosure:

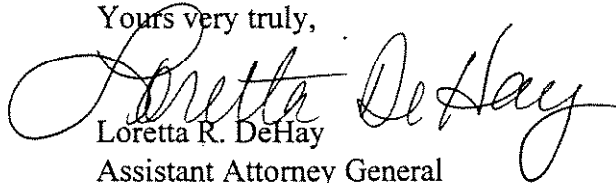
records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

The court in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) held that first page offense report information is generally not the type of information excepted under section 3(a)(8), *see also* Open Records Decision No. 127 (1976). However, this office has held that such information may be withheld under section 3(a)(8) if its release would unduly interfere with law enforcement or crime prevention or would conflict with privacy rights protected under section 3(a)(1) of the Open Records Act. Open Records Decision No. 508 (1988); *see also* Open Records Decision Nos. 366 (1983); 339 (1982).

You advise us that the city is in possession of nine separate reports that are responsive to the request. You explain that the reports are related to one continuous, ongoing criminal investigation and that the city police department is investigating the incidents as one continuous offense under the newly enacted "anti-stalking" provision of the Penal Code. *See* S. B. 25, Acts 1993, 73d Leg. (effective March 19, 1993) (amending Penal Code §42.07). You explain that because the offense of "stalking" does not occur until more than one incident has been reported, an investigation involving this offense will necessarily involve multiple incident reports. You further contend that "[t]o release the first page of each offense report drafted by an officer pursuant to a complaint being reported could jeopardize a law enforcement agency's attempt to conceal its knowledge of the alleged offender's activities and could, thereby, also jeopardize the apprehension of the offender." On the basis of the facts you have communicated to us, we agree that release of the requested information would unduly interfere with law enforcement or crime prevention. Accordingly, we conclude that the requested information may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,


Loretta R. DeHay
Assistant Attorney General
Opinion Committee

LRD/GCK/jmn

Ref.: ID# 19873

cc: Mr. Tim Briley
USAA
P.O. Box 12158
El Paso, Texas 79913